

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**SANTA FE T, LLC d/b/a TOYOTA OF
SANTA FE**

and

Case 28-CA-251745

HALLE WARREN

and

Case 28-CA-254002

MIODRAG DJURKOVICH

and

Case 28-CA-261741

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
LOCAL LODGE 794**

ORDER¹

The Employer's Petition for Partial Revocation of Subpoena Duces Tecum No. B-1-19JQ3S5 is denied.² The subpoena seeks information relevant to the matters under

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Employer's request for a protective order is denied for lack of a showing of good cause. With respect to the Employer's stated concerns about confidentiality and privacy, we find that it has failed to explain why the procedure set forth in paragraph "q" of the subpoena's Definitions and Instructions is not sufficient to address its concerns. To the extent that the subpoena encompasses some documents that the Employer believes in good faith to be protected from disclosure, the Employer may submit a privilege log providing sufficient detail to permit an assessment of its claims. If its concerns can be substantiated, it may seek a confidentiality agreement from the Region. In addition, the Region states in its opposition that, if the Employer's concerns can be substantiated, it would be willing to explore redacting non-relevant confidential information. Regarding the social security numbers sought by the Region, the parties are encouraged to reach an agreement redacting or partially redacting the social security numbers or, in the alternative, enter into a confidentiality agreement covering the social security numbers.

investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996). In response to the request of the Region, we direct the Employer to produce the documents responsive to the subpoena requests within 5 business days of the issuance of this Order.³

Dated, Washington, D.C., August 27, 2020.

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

³ The Region requested that we order the Employer to produce the responsive documents "immediately," but we view a 5-business day response time as providing the documents sufficiently quickly. The Region also requested that we order the Employer's Custodian of Records to appear before the Region, but we find such an order to be unnecessary because it is duplicative of the subpoena's directive on its cover page for the Custodian's appearance.